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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/918,652	03/22/2000	Wen-Chen Su	AVERYRC.5CPCP1	9479
7590 10/27/2005 CASELLA & HESPOS LLP 274 Madison Avenue - Suite 1703 New York, NY 10016			EXAMINER NORDMEYER, PATRICIA L	
			ART UNIT 1772	PAPER NUMBER
DATE MAILED: 10/27/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/918,652

Applicant(s)

SU ET AL.

Examiner

Patricia L. Nordmeyer

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-14 and 21-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-14 and 21-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Withdrawn Rejections

1. The 35 U.S.C. 102(b) rejection of claims 12, 21 – 24, 27 and 30 as anticipated by Reed in the paper dated May 18, 2005 is withdrawn due to the interview with the Applicant on August 18, 2005 and the arguments made in the paper dated August 24, 2005.

2. The 35 U.S.C. 103 rejection of claims 13, 14, 25 and 26 over Reed in the paper dated May 18, 2005 is withdrawn due to the interview with the Applicant on August 18, 2005 and the arguments made in the paper dated August 24, 2005.

3. The 35 U.S.C. 103 rejection of claims 28 and 29 over Reed in view of Freedman in the paper dated May 18, 2005 is withdrawn due to the interview with the Applicant on August 18, 2005 and the arguments made in the paper dated August 24, 2005.

37 CFR 1.132 Declaration

4. The declarations filed July 26, 2004 and April 1, 2005 under 37 CFR 1.132 is sufficient to overcome the rejection of claims 12 – 14 and 21 - 30 based upon Reed (USPN 5,229,212).

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 12, 21 – 24, 27 and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Knauf (USPN 5,691,022).

Knauf discloses a pressure-sensitive adhesive label (Column 3, lines 3 – 4; Column 4, lines 43 – 44) construction incorporating a multilayer release liner (Column 3, lines 21 – 25; Figure 1, #5) comprising a backing made of paper (Column 3, lines 39 – 41), a support layer on the backing (Column 3, lines 26 – 38; Figure 2, #2), a release layer on the support layer (Column 4, lines 11 – 13; Figure 2, #8) and wherein the release layer comprises silicone (Column 4, lines 11 – 13) and is deposited on the support layer substantially when the support layer is deposited on the backing so that the release layer is dispersed into the support layer to define an irregular interfacial area with small domains of the silicone in the support layer (Column 4, lines 56 – 68), the release layer further defining a release surface (Column 4, lines 11 – 13), at least 40% of the silicone being within 1 μm of the release surface or 70% within 2 μm of the release surface (Figure 2, #8), whereby the irregular surface interface between the release layer and the support layer decreases a propensity of the release layer to separate from the support layer (Column 2, lines 32 – 36) as in claims 12, 21 – 24 and 30. With regard to claim 27, the backing has small pores and openings and the support layer substantially fills the small pores and openings of the backing (Column 3, lines 32 – 45).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 13, 14, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knauf in view of Kumar et al. (USPN 5,229,179).

Knauf discloses a pressure-sensitive adhesive label (Column 3, lines 3 – 4; Column 4, lines 43 – 44) construction incorporating a multilayer release liner (Column 3, lines 21 – 25; Figure 1, #5) comprising a backing made of paper (Column 3, lines 39 – 41), a support layer on the backing (Column 3, lines 26 – 38; Figure 2, #2), a release layer on the support layer (Column 4, lines 11 – 13; Figure 2, #8) and wherein the release layer comprises silicone (Column 4, lines 11 – 13) and is deposited on the support layer substantially when the support layer is deposited on the backing so that the release layer is dispersed into the support layer to define an irregular interfacial area with small domains of the silicone in the support layer (Column 4, lines 56 – 68), the release layer further defining a release surface (Column 4, lines 11 – 13), at least 40% of the silicone being within 1 μm of the release surface or 70% within 2 μm of the release surface (Figure 2, #8), whereby the irregular surface interface between the release layer and the support layer decreases a propensity of the release layer to separate from the support layer (Column 2, lines 32 – 36). However, Knauf fails to disclose the release surface exhibits a 90° peel release force at a rate of 7.6 m/min of less than about 40 cN/25mm or 20 cN/25mm.

Kumar et al. teach a release coating that has a release surface exhibits a 180° peel release force at a rate of 7.6 m/min of less than about 40 cN/25mm or 20 cN/25mm (Table 3, Example 7) made with silicone (Column 31, lines 36 – 39) for the purpose of having a controlled and predictable release (Abstract).

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made that the release coating would have the peel release force of 20 cN/25mm or less in Knauf in order to have controlled and predictable release as taught by Kumar et al.

9. Claims 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knauf in view of Freedman (USPN 4,713,273).

Knauf discloses a multi-layer release liner as detailed above except for the support layer including a filler material selected for substantially sealing the small pores in the backing while being a material capable of being expressed from a dual-die and wherein the filler material of the support layer comprises latex.

Freedman teaches a multi-layer release liner (Column 11, line 56) where support layer including a filler material selected for substantially sealing the small pores in the backing while being a material capable of being expressed from a dual-die (Column 11, lines 61 – 62) and wherein the filler material of the support layer comprises latex (Column 3, lines 15 – 19) for the

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purpose of forming a face stock that has from the filler material which helps resist curling in the material.

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided the filler material made from latex in the support material in Reed in order to form a face stock that has from the filler material which helps resist curling in the material as taught by Freedman.

Response to Arguments

10. Applicant's arguments with respect to claims 12 – 14 and 21 – 30 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 5,084,317 to Epple is cited to show the state of the art with regard to the use of pressure sensitive adhesive in combination with release surfaces made from silicone coatings.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L. Nordmeyer whose telephone number is (571) 272-

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1496. The examiner can normally be reached on Mon.-Thurs. from 7:00-4:30 & alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Y. Pyon can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patricia L. Nordmeyer
Examiner
Art Unit 1772

pln
pln

[Signature]
HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772

10/25/05